

**REMARKS**

Claims 1 and 3-30 are pending in this application. By this Amendment, claims 1 and 21 are amended for clarification. No new matter is added. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

The courtesies extended to Applicant's representative by Examiner Daniels at the interview held on June 8, 2006, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicant's record of the interview.

Applicant also greatly appreciates that the Office Action indicates that claims 22-25 are allowed, and claims 6-7, 14, 16, and 30 contain allowable subject matter. However, for at least the reasons discussed below, Applicant respectfully asserts that all claims 1 and 3-30 contain allowable subject matter.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (as the amendments amplify issues previously discussed throughout prosecution); (c) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection and during the June 8, 2006 personal interview. Entry of the amendments is thus respectfully requested.

The Office Action rejects claims 1, 3, 5, 10-12, 17, 20-21, and 26-29 under 35 U.S.C. §103(a) as being unpatentable over Konishi (U.S. Patent No. 5,420,635) in view of Sugahara (U.S. Patent No. 6,778,210); rejects claim 4 under 35 U.S.C. §103(a) as being unpatentable

over Konishi in view of Sugahara and further in view of Allen (U.S. Patent No. 5,430,480); rejects claims 8-9 under 35 U.S.C. §103(a) as being unpatentable over Konishi in view of Sugahara and further in view of Tamura (U.S. Patent No. 6,040,860); and rejects claims 13, 15, and 18-19 under 35 U.S.C. §103(a) as being unpatentable over Konishi in view of Sugahara and further in view of Mathew (U.S. Patent No. 6,628,711). Applicant respectfully traverses these rejections.

Specifically, Applicant asserts that Konishi, Sugahara, Allen, Tamura, and Mathew, individually or in combination, fail to disclose a digital camera including at least an image generating device that successively generates first image data by capturing an image over a first exposure time and second image data by capturing an image over a second exposure time set longer than the first exposure time, a high-frequency component of an *entire* spatial frequency spectrum of the second image data being less than a high-frequency component of an *entire* spatial frequency spectrum of the first image data, as recited in independent claims 1 and 21.

Konishi, in Figs. 3a and 3b, merely discloses two images, one of which is picked up under a relatively large exposure with respect to the brightness of a room (Fig. 3a), and the other of which is picked up under a relatively small exposure with respect to an image SHb appearing through the window. Furthermore, Konishi discloses that, in Fig. 3a, the image SLa in the room becomes a good image and the image SHa of a scene appearing through the window appears white. In reference to Fig. 3b, Konishi discloses that the image SHb of a scene viewed through the window is good, while an image SLb in the room is significantly dark. Konishi shows that the size of the rooms in Figs. 3a and 3b is significantly larger than the windows. Konishi, nonetheless, fails to disclose a high-frequency component of a spatial frequency. However, even if one were to supposedly measure the high-frequency components of the rooms and windows in each of the Figs. 3a and 3b, one would measure a

high high-frequency component for a room space SLa, and a low high-frequency component for a window space SHa (smaller than the room space) in Fig. 3a, where the image was taken with a "large exposure." In Fig. 3b, where the image was taken with a "small exposure," one would measure a low high-frequency component for a room space SLb, and a high high-frequency component for a window space SHb (smaller than the room space). Then, if one were to compare the entire image (room space and window space) of Fig. 3a to that of Fig. 3b, one would notice that the high-frequency component of an *entire* spatial frequency spectrum of the second image data (room space SLa and window space SHa of Fig. 3a taken with a "large exposure") is greater than the high-frequency component of an *entire* spatial frequency spectrum of the first image data (room space SLb and window space SHb of Fig. 3b taken with a "small exposure") because the high-frequency component of the room space, due to its larger size, would encompass more of the image data than that of the window space. Accordingly, Konishi fails to disclose a digital camera including at least an image generating device that successively generates first image data by capturing an image over a first exposure time and second image data by capturing an image over a second exposure time set longer than the first exposure time, a high-frequency component of an *entire* spatial frequency spectrum of the second image data being less than a high-frequency component of an *entire* spatial frequency spectrum of the first image data, as recited in claims 1 and 21.

Sugahara merely discloses a digital camera including a blur correcting section for correcting image blur when an image blur has been detected. Sugahara, however, also fails to disclose capturing an image over a first exposure time and second image data by capturing an image over a second exposure time set longer than the first exposure time, a high-frequency component of an *entire* spatial frequency spectrum of the second image data being less than a high-frequency component of an *entire* spatial frequency spectrum of the first image data, as recited in claims 1 and 21.

Allen merely discloses that compression of data depends on the complexity of the data, and if the data contains duplicate information, the duplicate data can be replaced with a much smaller data indicating where the duplicated data is to be found. Allen, however, also fails to disclose at least the aforementioned features of claims 1 and 21.

Tamura merely discloses that quantization tables addressed by the low, middle, and high luminance pixel counts supplied from a feature quantity extraction circuit are stored in a quantization table for normally illuminated subjects, backlit subjects, and dark subjects. Tamura, however, also fails to disclose at least the aforementioned features of claims 1 and 21.

Mathew merely discloses a jitter estimation unit that generates one histogram of the frequencies of occurrence of motion vectors having particular values for each of the two orthogonal directions. Mathew, however, also fails to disclose at least the aforementioned features of claims 1 and 21, and therefore, fails to make up for the deficiencies of Konishi, Sugahara, Allen, and Tamura.

Accordingly, Applicant respectfully asserts that Konishi, Sugahara, Allen, Tamura, and Mathew, individually or in combination, fail to disclose a digital camera including at least an image generating device that successively generates first image data by capturing an image over a first exposure time and second image data by capturing an image over a second exposure time set longer than the first exposure time, a high-frequency component of an entire spatial frequency spectrum of the second image data being less than a high-frequency component of an entire spatial frequency spectrum of the first image data, as recited in independent claims 1 and 21.

In accordance with the above remarks, Applicant submits that independent claims 1 and 21 define patentable subject matter. Claims 3-20 and 26-30 depend from claim 1, and therefore, also define patentable subject matter, as well as for the additional features they

recite. Thus Applicant respectfully requests that the Examiner with draw the §103(a) rejections.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1 and 3-30 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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